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## A NEW PHASE OF THE REFORM MOVEMENT.

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THE writer of fiction needs a peculiar temperament, and when to this is added a habit of creating his facts and of giving words and motives to his characters, it is very difficult for him to do justice to sober truth and reality. He must be leniently judged. The article in the April number of this Review, "Reform *versus* Reformation," is a case in hand. Mr. Tourgee, its author, has rendered good service in a field where his information was ample and his special capacity effective. Perfectly sincere, we have no doubt, and not intending to misrepresent or defame, we have to regret that, between information that was inadequate and a prepossession which appears overwhelming, he has, in various particulars, rather obscured than illustrated the truth upon the Civil Service question. This is all the more unfortunate because a full discussion, from every point of view, is to be desired. That whimsical title, as the author explains it, we must think discloses a fundamental misconception of the nature and meaning of Civil Service Reform—if, indeed, we are not to accept his article as a burlesque. Civil Service Reform does not require a forming-over, or a structural change of any kind—as Mr. Tourgee imagines it does—in the Constitution, the departments, the bureaus, the offices, or in the functions of those who fill them, or in anything else; but a return to the true, original system; honesty, fidelity, and justice; qualification for office as a condition for receiving it; disqualification as a cause of removal; protection from partisan assessments and official dictation at elections; the recognition of the general welfare as paramount to the interests of party, factions, and individuals. An appreciation of those truths alone would have excluded our author's title and no small part of what follows it. In another way, his title made a fool's errand almost inevitable. Reform and reformation

equally, and in the only sense in which he or the reformers could use them, mean to make things better. Reform makes a reformation, and a reformation is the reform made. Each is equal to the other and identical in substance. The pretended contrast of meaning, far less than that between tweedle-dum and tweedle-dee, on which his title is founded is, at most, a very fanciful sort of fiction. His grave charges—based upon that conceit of difference and expounded through pages—that the reformers falsely sought and gained favor and prestige not their due, that they even led the great parties into what he calls their subterfuges and evasions, in dealing with the Civil Service issue, merely by putting the word reform instead of reformation upon their banners, is too preposterous even for sober fiction—is fit only for a comedy of errors. Much space is used to make reformers appear ridiculous, to cast suspicion upon their motives, and to present their methods as chimerical. Some ministers are charged with preaching against original sin, and Adam as its cause, and not against sinners. Our author has improved on this by saying nothing against the spoils system or those who uphold it, while berating and defaming the reformers and whatever they do. Without doubt the reformers are very faulty. They are fearfully wicked, according to Mr. Tourgee. If he believed in such substitutes as he has offered for fact and argument, it is only to be regretted that he did not copy something really good of the kind from the writings of the last apologists of the British spoils system of twenty-five years ago; or from the stump speeches of Mr. Conkling,—a good fellow-hater of all reformers,—who has expressed more scorn and sarcasm in a few short sentences than Mr. Tourgee has got into ten pages. Or he might have borrowed something almost brilliant from Gail Hamilton's forty columns in the "Tribune" by which she disastrously tried to help Mr. Blaine to the Presidency four years ago,—Mr. Blaine, the Secretary of State, for whom alone, of all living men, Mr. Tourgee has a compliment—far-fetched indeed. We fear Mr. Tourgee is in error in supposing that the reformers, "seated on the hill-top of reform" and unterrified as they seem to be by the cobblestones hurled by chieftains and bullies, can ever be brought down by grass from the spoils-system bog, however skillfully a writer of fiction may throw it. When Mr. Tourgee declared, in one breath, that Mr. Eaton's work—"Civil Service in Great Britain"—"is a most interesting and valuable treatise," which

has exhausted the analogies between the British service and our own, and in the next declared (among other matters equally unwarranted) that, in Mr. Eaton's view, all who opposed the reform "acted from corrupt and unworthy motives," he, of course, did not expect both parts of the statement to be believed; for it is incredible that an intolerant bigot could have written such a work, and all the more so that he would have gone over centuries of administration for arguments, adapted only to the candor and consciences of men if he thought those whom he addressed could be influenced only by corrupt and unworthy motives. So, too, Mr. Tourgee must have expected his readers to make a choice, when on one page he says the results of the reform system in Great Britain "are limited, as yet, to two, to wit, the prime cost and the formal efficiency of the service"; and, on others, that "the system has been successful in giving a cheaper, more intelligent, and effective service . . ." and "is a great step forward . . . a direct assault upon the citadel of class supremacy—a grand movement toward democracy" (pp. 309, 313, 316).

Our author's antagonism to Civil Service Reform is natural enough in view of his premises. He declares himself opposed to having "the business of the Government done on business principles"; an avowal which, if frankly made by all opponents of reform, would probably do more to advance it than the joint efforts of all the reformers. He also declares that "the regular army is at best an excrescence in a republican government; . . . it has been the dread of our statesmen; . . . the very perfection of [its] action makes it dangerous to liberty." We certainly had supposed our army had contributed to liberty—even at the South, but on that point Mr. Tourgee is the best authority—and that it was the pride of our statesmen and the dread only of our demagogues and our enemies. We had regarded the perfection of its education and its discipline, which has kept it out of politics and given it victory in the battle-field, as our safety and not our danger. But we concede that any one who thinks otherwise may very consistently prefer a partisan, rotating, half-educated civil service. If our author's definition of "excrescence" is not as anomalous and original as his definition of reform, and he allows this nation to be a republic, will he tell us how that army, of which our original Constitution makes the President "Commander-in-Chief," is any more an excrescence than the

President himself—any more an excrescence than Mr. Tourgee's own right arm which was born a part of him?

But the most extraordinary of all our author's sayings relate to the Pendleton Bill, to be hereinafter explained. Under five heads, he sets forth what he declares to be in effect its provisions. Not one of these statements is warranted by the Bill—misapprehensions and misstatements, in essential particulars, one and all. The two most important are sheer products of the imagination,—not bricks without straw merely, but bricks without straw, mortar, or sand,—airy nothings, elaborately wrought into a gossamer fortress from which to do battle against the reformers, and blow the trumpet of peril. A Bill that contains not a word on either subject is elaborately expounded as providing a life tenure of office, and as forbidding officials any part—beyond voting—in political organization. The dreadful consequences to be feared from these hobgoblins of the brain fill lugubrious pages of warning. When the minister took for his text the last four words from the passage, "Let him that is upon the house-top not come down," he was at least right as far as he went. We can account for Mr. Tourgee's being, in perfect good faith, wholly in the wrong by assuming—what we are quite sure was the fact—that, when he undertook to instruct the public in regard to this Bill, his information was confined to the contents of a telegraphic dispatch found floating in the newspapers—an adequate basis undoubtedly, if we may regard his article as a burlesque. That it was intended as such, even the adornments of the tale suggest; Luther's dispute with Zwinglius about the Lord's Supper, for example, being transformed into a quarrel over the method of assaulting Rome, and the condemnation and the burning of Servetus under Calvin's thirty-eight articles, each of them graceless to the last degree, doing duty as a roasting for "inventing a new theory of the operation of grace." We recognize the fact that Mr. Tourgee does not defend the spoils system. He admits great evils and the duty of reforming them. He is half a reformer himself, profusely as he abuses all reformers more advanced. He is in that state of doubt in which men incline to do nothing, and are impatient with those ahead of them. There are many such. With them Thomas is the greatest of all the apostles, and the ass going from one bundle of hay to another, neither eating nor working, is a better beast than either the horse or the ox, who have no doubt about

their fodder and no end of work. The doubting mood is yet hopeful.

And now for something more important. When the national Senate with many important nominations before it has been engaged for many days in a contest of physical endurance, leading to angry and irrelevant debates over an attempt to make a change, for political reasons, in mere ministerial or clerical offices,—the holders of which, under a good system, would not be disturbed while their duties were properly performed,—such a time surely is fit for considering what are the chances of such a system. The movement in that direction, which for some years has been gaining strength, may now be said to have entered upon a new phase. The peril from abuses and the duty of arresting them have been so strongly presented that they are now admitted by a great body of candid and thoughtful citizens, who, in the natural course of reasoning, turn next to the methods of relief, thus giving that subject a prominence unknown before. It troubles the leaders of both parties and is being seriously discussed among the people. The Republicans, in various ways most pledged and embarrassed by methods of reform from which many of them shrink,—methods which stand approved by decisive experience and by the testimony of presidents and the most competent subordinates of their own choice and party,—are considering whether to advance upon the line of demonstrated well-doing or to seek relief in some other action in the name of reform, such as interfering with the executive control of removals and fixing short terms of service by act of Congress; methods which will obstruct neither patronage nor proscription, but will add new evils to the old ones. In the meantime—and for the first time in our history—a subordinate officer, with no strength as a mere politician, has won such popularity, simply by good administration upon the methods which his party shrinks from sustaining, that public opinion, promptly recognized by the President, has not only made him Postmaster-General, but, equally without precedent, has made his first subordinate head of the New York post-office. The better methods which have thus taken that office out of partisan politics and placed the trained official, by whom those methods were put in practice, at the head of the post-office department, have also gone far toward a like victory at the New York custom-house. The public estimate of the better administration of late in that office, under the same system which re-

formed the post-office, is now finding such expression in protests and petitions against any change as has been until this time unknown in regard to any subordinate office. What may be the direct result in this first contest between partisan policy and the great mercantile interests of the country, over New York custom-house administration, is yet uncertain. That the business interests will win the day in the not remote future need not be doubted. The facts disclosed cannot be suppressed. The growth of public opinion cannot be arrested. Outside official and partisan circles, the tendency of the public mind is clearly marked in the establishment of Civil Service Reform associations in the larger cities, and in the rapid growth of a literature upon the subject of administration.

The Democrats, estimating the consequences, in the meantime—we do not inquire in what degree moved by selfish sagacity or by patriotic conviction, and doubtless by both—have certainly utilized that tendency most adroitly: first, by tendering to a Republican President an appropriation, repeatedly requested both by President Grant and President Hayes, of \$15,000 to carry forward the reform (and by aid of which it may be at once resumed) according to the methods which both these Presidents approved, under the § 1753 of the United States Revised Statutes, enacted by a Republican Congress; and, second, by bringing forward in the Senate a Bill broadly pledging Congress in the work of reform—a pledge and coöperation which three Republican Presidents have declared to be a condition of thorough reform. This Bill, carefully prepared by an association of gentlemen representing both parties, and, after a thorough discussion, approved by a committee of the Senate, also composed of members of both parties, was reported to the Senate by Mr. Pendleton, last February, accompanied by an able report, with the approbation of every member of the committee who attended its meetings—including members of both parties. It hardly need be pointed out that a failure by an administration to avail itself of the means placed at its disposal by this appropriation for advancing the work of reform—the further salutary enforcement of which both President Grant and President Hayes declared was arrested by reason of Congress refusing an appropriation—is likely to be accepted as a repudiation of all purpose of removing abuses by the methods thus tested and commended.

There are three other ways of dealing with the subject : first, an open abandonment of all pretense of a reform policy ; second, a resort to some original method ; third, the support of the Pendleton Bill—if the latter course can in any way be reconciled with declining to use the \$15,000 under the Revised Statutes. It is plain that action or inaction under the present phase of the matter—by bringing to a direct practical test the policy of the dominant party and the spirit and aim of those responsible for its direction—must decide not only whether that party can hereafter have credit for any purpose of reform or any ground for preference on the part of those who treat that subject as paramount, but also whether the Democrats are to be allowed to destroy or capture strength from that quarter through a mere promise to be reformers if they had control of the Government. These considerations, not less than the nature of its provisions, give much significance to the Pendleton Bill. It is likely, we think, to cause an important debate in Congress at the next session.

The greater evils of the spoils system are these : first, the use of the appointing power by the executive and his subordinates for personal and partisan objects ; second, the usurped control of that power by members of Congress—which impairs the counterpoise of the Government—and its prostitution for the same objects, which enables Congressmen to coerce the President, to confer salaries upon their unworthy henchmen pushed into the departments, and to secure votes by the promise of places ; third, partisan chieftains, officials, and managers foisting their incompetent favorites upon the public service and using them to control conventions, nominations, and elections ; fourth, political assessments by which public servants are robbed to fill the party treasury and to make the party managers and the politician class independent of the people ; fifth, promotions without merit—insults to every competent official—and the consequent impairment of energy and honorable competition in the public service ; sixth, removals without cause, which repel the most worthy who would apply for offices, and make servile dependents of so many who fill them, besides in various ways tending to extravagance, corruption, and inefficiency. These despotic and corrupt influences taking the place of merit, duty, and the public welfare as controlling considerations in appointments, render it very difficult for the officer having the appointing power to make a good appointment if he



wishes to do so. This difficulty becomes greater in the degree that the location of an office is a center of political activity and those in office are numerous. When the numbers are such that the head of the office has no adequate opportunity of knowing individual qualifications,—and especially in the larger offices where he does not know even the names of many of those under him,—the appointing officer is forced to rely for information upon the patronage-broker and office-filling class of politicians whom that system makes supreme over appointments. In these larger offices, for that reason, and also because abuses are the greatest, examinations as to capacity are most needed, most useful, and should be first required. They had become so indispensable prior to 1853 that, in that year and in 1855, examinations were provided for by act of Congress and have since been continued, though by methods the most defective and faulty; and they were (doubtless intentionally) so conditioned that only those could be examined who had been selected and sent for for that purpose by the very officials and politicians who, as already stated, had monopolized the appointments and filled and ruled the public service. Without the consent of those monopolists, no one was allowed to be examined. These acts conferred on the citizen no right to go into the examination. The capacity of those reaching the public service was, even when the examinations were thus restricted to the selected favorites, considerably improved, for some dunces were arrested; but the old monopoly was not broken up, nor does it seem to have been the intention that it should be. It is only the open competitive examinations—so long found salutary in Great Britain and other well-governed countries, first recommended and applied in this country by President Grant, later resumed by President Hayes and commended for their good effects by President Garfield in speeches in Congress, and proved to be so beneficial at the post-office and custom-house at New York City—which are sufficient to break up this monopoly. They open a free passage to the worthy to go and be examined. They give the appointing officer the opportunity of a selection of the most competent from among the competitors. They say to the old monopolists, you shall no longer control the gates to the public service; they shall be free, so that the Government may bring the most worthy into its service. There is no space for citing the overwhelming evidence, here and abroad, which proves that competitive examina-

tions result in superior officials, greater economy, and purer and more efficient administration. It is plain that such examinations break up patronage and the giving of places for votes, because they allow no man to get a place through bargains or influence.

The Civil Service Commission organized under President Grant's administration pursuant to the law of 1871—a law in various ways defective, though sound in principle—had for its object the establishment and supervision of a just system of competitive examinations. That the execution of this law was imperfect and unsatisfactory is well known. Yet President Grant to the last bore testimony to the beneficial effects of competitive examinations under it, and in his last message on the subject expressed his mortification because the refusal of an appropriation by Congress had arrested the work of reform. The Pendleton Bill appears to supply the defects in the statute of 1871. It puts the Commission upon a better basis by providing adequate safeguards and regulations for the discharge of its duties.

The appointing power under the Constitution and the duty to appoint the most worthy rest with the President, or are shared by such heads of departments as they may be conferred upon by act of Congress. The function of the Commission is not to interfere with this power, but to aid the President and heads of departments in its proper exercise by ascertaining who have the most adequate qualifications. The Commission has no authority over—no function to interfere with—appointments. It reports to the President the relative qualifications, the evidence of which remains permanently on record, so far as the competitions disclose them, of those who have competed. The President and heads of departments select from the candidates appearing best qualified, as they select from among those examined under the laws of 1853 and 1855. The great differences are (1) in the persons who may be examined, and (2) in the efficiency of the methods of examination. In either case, the theory and abstract principle are that qualifications, and not mere influence, should control. It is only competitive examinations that effectively apply that theory and principle in practice. The power of discipline over those in the public service and to regulate the doing of the public work, if primarily and most fitly with the President, is yet a power which Congress in some degree shares. In that view, Congress, in this bill, declares its

policy in regard to regulations or rules, which the Executive is to prepare and apply according to the varying exigencies of the public service ; and so far and so far only and with such conditions as the Executive may approve. No constitutional power of the President on the subject can be impaired if this Bill shall become a law. The rules and regulations under the Bill may be to this effect : (1) Competitive examinations as to capacity in all appropriate cases for admission to the service ; (2) entrance to the service, as a general rule, at the lower grades ; (3) probation or trial of business capacity before actual appointment ; (4) promotion for merit ; (5) exemption from political assessments and from liability to removal for refusing to pay them ; (6) no removals without proper cause ; and (7) an end of the use of official authority to coerce elections and political action, the official having the liberty of other citizens, save so far as the proper discharge of his duties occupies him. The passage of this bill would enable the President to remove the many abuses for which such provisions, duly enforced, are manifestly a remedy ; and its passage by Congress would seem to discharge the duty of that body on this subject.

The Executive takes, by the Constitution, great power, yet unexercised, for the removal of such abuses ; and, with this Bill a law, that power would seem to be ample. Thereafter the responsibility for their continuance would rest almost wholly upon him, justly upon him who ought to take—who ought to feel it equally a duty and an honor to take—the lead and have the responsibility in purifying and rendering efficient his own department. Heretofore Congress, quite as much as the President, has been responsible for the condition of the executive department. If this bill impaired the authority or the responsibility of the President, or was an assumption of power by Congress, it would certainly be objectionable. We cannot see that such is the fact, but rather that Congress would, by its enactment, abandon its long-continued and disastrous usurpation, and the President and the heads of departments would be secured a real liberty to perform their plain duty under the Constitution.

Apparently with a view to the most ample experience before its general enforcement, the new system, under this Bill, is not to be put in practice, except in the great departments at Washington and in post-offices and custom-houses having as

many as fifty clerks—perhaps there are about forty of these offices, and there the abuses are greatest—until the President shall direct it to be done. He, of course, will be guided by the results in these large offices. The Bill interferes in no way with the term or tenure of office, except by committing Congress to the theory that removals should not be made for refusing to pay political assessments. A law of 1820 and some later acts, as is well known, have reduced the term of postmasters, collectors, and certain other officers to four years, thereby causing more frequent and demoralizing contests for those offices than would have existed if the term had remained what it was under the Constitution itself. The Pendleton Bill, however, leaves these acts undisturbed. A measure so moderate and carefully guarded may perhaps enable the friends of reform in both parties to unite in its support.

What is the most appropriate term for these offices—if a fixed term be found advisable—can be better determined after we have had more experience under a system which brings persons into office because they are most worthy to fill them. Then we may hope that partisan influence will be so much excluded and excessive activity for securing places so much allayed that there will be a fair degree of wisdom and independence for settling the question wisely. The only term that could now be fixed would probably be one of four years. Strange fallacies seem to find credence as to the relation between the reform system, or competitive examinations, and the term of office. The way of getting into office may—almost necessarily does—determine the kind of a man you have there, but in no way the length of time he is to stay. The shorter the time he is to stay, the more he needs to know when he enters; for if he have but little time to learn, he may go out by the time he has fairly mastered his duties. The better men the people get for office, the more inclined they will undoubtedly be to keep them a considerable time. Yet, in whatever way persons may come into the service, it is too plain for argument that the term may be long or short. It may be for six months, as in some of the New England colonies, or for one year, as in the case of the Athenian generals; or for four years, so as to make the place of every porter, door-keeper, and washerwoman dependent upon the result of a Presidential election; or it may be for any longer time, as the public good may require. If a man selects a good wife rather than a bad

one, he is not, for that reason, prevented from getting a divorce; or chooses a competent doctor rather than a quack, he is not for that reason compelled never to dismiss him, however much the probabilities may be increased that it will be a longer time before he will wish to do so. Theories and assumptions to the contrary would never have been advanced were they not needed to sustain a spoils system indefensible upon sound reasoning.

It is only necessary to consider the character of the existing abuses which we have stated to see that by far the greater part of them grow out of the way of getting into office, and the partisan and corrupt influences to which officials are constantly subjected. Nearly all these abuses existed in an equal or greater degree in Great Britain before the reform system was enforced, and where the tenure was during efficiency and good behavior. The competitive system removed them. There will be few removals without cause when the vacancy can be filled only through competition, and not by influence and pushing. Now officials are pushed out in order that favorites may be pushed in. Where competition prevails, the favorite of the great politician is very likely to be beaten by a more worthy competitor destitute of influence.

A life term of office is out of the question. Neither children nor dotards are useful in administering the government. We must select officials by means that will secure the most competent. They must go out of the service when—and if the public interest is to be regarded, only when—they cease to be the most useful to be in it. The right to remove, and the duty to remove—equally essential to discipline, to efficiency, and to economy—must exist, and removals ought to be made, and alike whether terms be long or short: (1) For incompetency, mental or physical, for the public work; (2) by reason of conviction of a criminal offense, at least if involving dishonesty; (3) for immoral or dishonest conduct, dangerous or disgraceful to official life; (4) for willful disobedience to legal and reasonable regulations or instructions, at least if persisted in; and perhaps for some other causes.

Whether, contrary to the practice from the beginning, there should be an arbitrary limitation, either based on the time they have held their particular offices (or any and all offices in the Federal service) or upon the age they have reached,—according to which there would be a *rotation* among the tens of thousands of clerks in all the departments and in all the post-offices, custom-houses, and other offices in the country,—or whether the original

constitutional term should still prevail, will, when thoughtfully considered, be found a grave question, involving the independence of the Executive, the counterpoise of our system. A four-years' term would, for example, require—aside from all removals for cause and without cause—more changes at Washington each year than have taken place there under any administration, and at least one change every day in the custom-house at New York; in other words, changes as frequent, for an established order of things, as have ever taken place in the most proscriptive period following a presidential election! The partisan machine for filling vacancies would need to be kept working every day. Its constant activity would redouble the clamor and the pressure for removals. Who can say they would be resisted? If the rule is to be laid down that a clerk is to go out arbitrarily, at a particular time, and not because he has ceased to be the best clerk, what good reason could be given against sending him away at once, when another, an official or partisan favorite, pushed for the place? Since the right to remove for cause must remain, however short the term, it might, as easily as now, be abused for such a purpose. If rotation, on the communistic theory of giving everybody a chance to get into office, is to bring the term down to four years, the very reasoning on which rotation rests would require that the term should be shortened by arbitrary removals, or further reduced, if need be, to four months, whenever it shall appear that there are still outsiders demanding offices. In the very name of rotation, they would demand it. Such are the inevitable consequences of departing from the true rule, which is, to fix the term of office with stern and sole reference to the most beneficial doing of the public work. Every other rule is the rule of demagogues and communists, demoralizing as an example, disastrous in its effects, impracticable in its enforcement.

DORMAN B. EATON.